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7 Attorneys for Defendants BRUCE MILLIMAKI & MICHAEL EGGERT

8 **UNITED STATES DISTRICT COURT**

9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 LYMS, INC.; WENDY YOUNGREN AND
 11 CATHY MEANS AS SUCCESSOR
 TRUSTEES OF THE LYMOS 401(K) PLAN,

12 Plaintiffs,

13 v.

14 BRUCE MILLIMAKI AND MICHAEL
 15 EGGERT, FORMER TRUSTEES OF THE
 LYMOS 401(K) PLAN; GARY BERMAN,
 INDIVIDUALLY,

16 Defendants.

17 Case No.: 08-cv-1210 JLS NLS

18 JOINT MOTION FOR EXTENSION OF
 19 TIME FOR DEFENDANTS BRUCE
 MILLIMAKI AND MICHAEL EGGERT TO
 20 ANSWER OR OTHERWISE RESPOND TO
 PLAINTIFFS' FIRST AMENDED
 COMPLAINT (FIRST REQUEST)

21 Plaintiffs LYMS, Inc., Wendy Youngren and Cathy Means as Successor Trustees of the
 22 Lymos 401(k) Plan ("Plaintiffs") and Defendants Bruce Millimaki ("Millimaki") and Michael
 23 Eggert ("Eggert") hereby submit this Joint Motion for Extension of Time for Defendants Bruce
 Millimaki and Michael Eggert to Answer or Otherwise Respond to Plaintiffs' First Amended
 24 Complaint and, in support thereof, aver as follows:

25 1. On July 21, 2008, Plaintiffs filed their First Amended Complaint ("FAC") against
 26 Millimaki and Eggert among other Defendants.

27 2. Plaintiffs have agreed to extend the time for which Millimaki and Eggert have to
 28 respond to the Complaint until August 25, 2008. This is the first extension requested by
 Millimaki and Eggert.

BUTTERFIELD
 SCHECHTER
 ♦ LLP

1 WHEREFORE, Plaintiffs and Defendants Millimaki and Eggert respectfully request this
2 Court grant this Joint Motion for Extension of Time for Defendants Bruce Millimaki and
3 Michael Eggert to Answer or Otherwise Respond to Plaintiffs' First Amended Complaint.

4 DATED: August 4, 2008

BUTTERFIELD SCHECHTER LLP

9 DATED: August 4, 2008

BRANTON & WILSON, APC

14 DATED: August 4, 2008

SOLOMON WARD SEIDENWURM & SMITH LLP

16 By: s/Stephen L. Schreiner
17 STEPHEN L. SCHREINER
18 Attorneys for Plaintiffs
sschreiner@swslaw.com

CERTIFICATE OF SERVICE

I, Susan L. Meter, hereby declare:

On August 4, 2008, I caused the following document to be electronically served:

• JOINT MOTION FOR EXTENSION OF TIME FOR DEFENDANTS BRUCE MILLIMAKI AND MICHAEL EGGERT TO ANSWER OR OTHERWISE RESPOND TO PLAINTIFFS' FIRST AMENDED COMPLAINT (FIRST REQUEST)

on the interested parties who have agreed to accept e-filing as effective service in this action by filing this through the CM/ECF system to the following e-mail addresses:

plhallisey@brantonwilson.com

sschreiner@swsslaw.com

who are the attorneys for Plaintiffs in this matter.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on August 4, 2008, at San Diego, California.

DATED: August 4, 2008

s/Susan L. Meter
SUSAN L. METER

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◆ LLP 28